

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

JAMES L. WINN, )  
                        )  
Plaintiff,         )  
                        )  
v.                     ) CV 122-127  
                        )  
SHERRIFF RICHARD ROUNTREE, et al., )  
                        )  
Defendants.         )

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**O R D E R**

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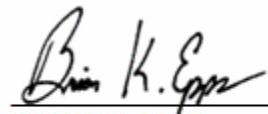
Plaintiff is proceeding *pro se* and moves for the appointment of counsel, arguing he is unable to afford counsel, his imprisonment will greatly limit his ability to litigate, the case is factually and legally complex, and a lawyer would better present evidence and cross-examine witnesses at trial in the case of conflicting testimony. (Doc. no. 13, pp. 8-10.)

As a general rule, there is no entitlement to appointed counsel in a civil rights case such as this one. Dean v. Barber, 951 F.2d 1210, 1216 (11th Cir. 1992). Rather, the appointment of counsel is a privilege justified only by exceptional circumstances. Id.; see also Smith v. Fla. Dep’t of Corr., 713 F.3d 1059, 1065 (11th Cir. 2013) (finding exceptional circumstances justified appointment of counsel where suspect conduct of prison officials hindered prisoner plaintiff’s ability to present essential merits of case and, additionally, where such appointment would alleviate security concerns and help sharpen issues).

Here, Plaintiff fails to show exceptional circumstances exist to justify the appointment of counsel. Steele v. Shah, 87 F.3d 1266, 1271 (11th Cir. 1996). Plaintiff has not shown that

his status as a layman prevents him from “presenting the essential merits of his . . . position,” which is the key consideration in determining whether the appointment of counsel is justified. Kilgo v. Ricks, 983 F.2d 189, 193 (11th Cir. 1993). Indeed, Plaintiff has been able to communicate with the Court and present the merits of his case, as evidenced by his factually detailed complaint, and demonstrated ability to respond to Court orders. At this early stage of the case, any concerns about presentation of evidence at trial are premature. Therefore, the Court **DENIES** Plaintiff’s motion for appointment of counsel. (Doc. no. 13.)

SO ORDERED this 18th day of November, 2022, at Augusta, Georgia.



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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA